

DEP/RCF
#87



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
NAKAYAMA, Yasuhide, et al.
Appln. No.: 10/525,016
Confirmation No.: Not Yet Assigned
Filed: February 17, 2005
For: STENT AND PROCESS FOR PRODUCING THE SAME

Docket No: Q85834
Group Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned

REQUEST FOR REFUND

MAIL STOP 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request a refund in the amount of \$100.00. This refund is to be credited to Deposit Account No. 19-4880.

Applicants believe that revised 37 C.F.R. § 1.492 allows reduced search and/or examination fees for applications in which the national stage fee was not filed before December 8, 2004. The above-referenced application was filed on February 17, 2005, with a copy of the International Search Report. (A copy of the transmittal letter, PTO stamped Serial Number Card and ISR is attached.) Therefore, Applicants believe they are entitled to the reduced fee. A duplicate copy of this paper is also attached.

Respectfully submitted,

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: March 23, 2005

2/17/05
2/23/05

Adjustment date: 05/11/2005 RWHITE1
02/28/2005 NAKAYAMA 00000035 10525016
02 FC:1632 -500.00 OP
05/11/2005 RWHITE1 00000004 10525016
01 FC:1642 400.00 OP

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/10496

A. CLASSIFICATION OF SUBJECT MATTER
Int.Cl.⁷ A61M29/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
Int.Cl.⁷ A61M29/00-29/02, A61F2/06Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Jitsuyo Shinan Koho 1926-1996 Toroku Jitsuyo Shinan Koho 1994-2003
Kokai Jitsuyo Shinan Koho 1971-2003 Jitsuyo Shinan Toroku Koho 1996-2003

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JP 8-141090 A (Terumo Corp.), 04 June, 1996 (04.06.96), Full text; all drawings	1-4
Y	Full text; all drawings	5-14, 25-77
A	Full text; all drawings (Family: none)	15-24
Y	JP 11-299901 A (Johnson & Johnson Medical Ltd.), 02 November, 1999 (02.11.99), Full text; all drawings	5-14, 25-53, 61-62, 65-77
A	Full text; all drawings (Family: none)	15-24

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:
 "A" document defining the general state of the art which is not considered to be of particular relevance
 "E" earlier document but published on or after the international filing date
 "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
 "O" document referring to an oral disclosure, use, exhibition or other means
 "P" document published prior to the international filing date but later than the priority date claimed

"I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document in question is taken into consideration
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document in question is combined with one or more other prior art documents
 "&" document member of the same patent family

Date of the actual completion of the international search
16 December, 2003 (16.12.03)Date of mailing of the international search report
13 January, 2004 (13.01.04)Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/10496

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	✓WO 00/04999 A1 (BIOCOMPATIBLES LTD.), 03 February, 2000 (03.02.00), Page 4, lines 3 to 8 ✓& JP 14-521178 A ✓& US 6214115 B1	25-31
Y	✓US 6027525 A (Samsung Electronics, Ltd.), 22 February, 2000 (22.02.00), Full text; all drawings ✓& EP 808614 A2 ✓& JP 10-043315 A	52-62
Y	✓JP 7-24072 A (Sumitomo Electric Industries, Ltd.), 27 January, 1995 (27.01.95), Par. Nos. [0025], [0026], [0036]; Fig. 4 (Family: none)	56-77
Y	✓JP 2001-327609 A (Terumo Corp.), 27 November, 2001 (27.11.01), Full text; all drawings (Family: none)	62, 67

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/10496

Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See extra sheet.

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest.
☒ No protest accompanied the payment of additional search fees.

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/10496

Continuation of Box No. II of continuation of first sheet(1)

The matter common to claims 1-77 is a constitution of covering the external surfaces of stent matrixes with polymer layers.

However, this constitution is publicly known as described in, for example, JP 8-141090 A and is not a novel matter.

Consequently, this constitution does not reach beyond the state of prior art and thus the common matter is not a special technical feature within the meaning of PCT Rule 13.2, second sentence.

The matters which can be considered as special technical features within the meaning of PCT Rule 13.2, second sentence are as follows.

•Claims 1-52

A stent comprising stent matrixes and, adhering to the stent matrixes, a flexible polymer having multiple micropores.

•Claims 54-62

A stent comprising multiple stent matrixes arranged lengthwise with spacings, the stent matrixes integrated together by means of an outside polymer film and an inside polymer film,

wherein the outside polymer film and inside polymer film are such that at the time of stent diameter extension, polymer films and stent matrixes can be shifted from each other, and

wherein at portions between individual stent matrixes, the outside polymer film and the inside polymer film are bonded together.

•Claims 63-77

A stent comprising stent matrixes, the stent matrixes composed of meshes, and comprising an outside polymer film and an inside polymer film,

wherein the outside polymer film and inside polymer film are nonadherent to the stent matrixes and are bonded to each other at least one stitch part of the meshed stent matrixes.

Therefore, the claims 1-77 claim three different inventions and fail to satisfy the requirement of unity of invention.

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